

Membership Balance Plan
Missouri River (South Dakota) Task Force

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, under the provisions of Section 905(a) of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a), established the Missouri River (South Dakota) Task Force (“the Task Force”).
2. Mission/Function: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on a plan and accompanying critical restoration projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
 - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion, erosion control along the Missouri River, or any combination of the activities just described;
 - b. Develop and recommend to the Secretary of the Army for implementation, critical restoration projects meeting the goals of the plan; and
 - c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.
3. Points of View: The Task Force, pursuant to Section 905(b) of Public Law 106-541, shall be composed of not more than 29 members. Specifically, the Task Force membership shall be composed of:
 - a. Secretary of the Army or designee, who shall serve as the Chairperson;
 - b. Secretary of Agriculture or designee;
 - c. Secretary of Energy or designee;
 - d. Secretary of the Interior or designee; and
 - e. The Trust. The Trust is composed of 25 members to be appointed by the Secretary of the Army, including:
 - i. 15 members recommended by the Governor of South Dakota that:
 1. represent equally the various interests of the public; and
 2. include representatives of:
 - a. the South Dakota Department of Environment and Natural Resources;
 - b. the South Dakota Department of Game, Fish, and Parks;
 - c. environmental groups;

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- d. the hydroelectric power industry;
 - e. local governments;
 - f. recreation user groups;
 - g. agricultural groups; and
 - h. other appropriate interests.
- ii. Nine members, one of each of whom shall be recommended by each of the nine Indian Tribes in the State of South Dakota; and
- iii. One member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army as representative members to the Task Force.

4. Other Balance Factors: N/A
5. Candidate Identification Process: Pursuant to Section 904 of Public Law 106-541, the Governor of South Dakota shall recommend 15 members to the Secretary of the Army for appointment to the Trust. In addition, the nine Indian tribes in the State of South Dakota and the organization known as the “Three Affiliated Tribes of North Dakota” shall each recommend one member to the Secretary of the Army for appointment to the Trust. Prior to the formal nomination, the list of potential nominees undergoes a review by the Army General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with statute, as well as Federal and DoD governance requirements; for example, compliance with the advisory committee’s charter and the membership balance plan. All representative members of the Task Force shall be appointed for a two-year term of service; however, no members, unless authorized by the Secretary of the Army, may serve more than two consecutive terms of service.
6. Subcommittee Balance: DoD, when necessary, and consistent with the Task Force’s mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Task Force.

The Secretary or the Deputy Secretary of Defense shall approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employee members, whose appointments must be renewed by the Secretary of the Army, in consultation with the Secretary of Defense, on an annual basis. With the exception of travel and per diem for official travel related to the Task Force or its subcommittees, subcommittee members shall serve without compensation.

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Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

7. Other: As nominees are considered for appointment to the Task Force, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 F.R. 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: February 22, 2013